

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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MICHAEL YOUNG,

Plaintiff,

v.

STATE OF NEVADA,

Defendant.

Case No. 2:16-cv-00621-JCM-PAL

**REPORT OF FINDINGS AND
RECOMMENDATION**

This matter is before the court on Plaintiff Michael Young's failure to comply with the court's Order (ECF No. 2). This matter is referred to the undersigned pursuant to 28 U.S.C. § 636(b)(1)(B) and LR IB 1-4 of the Local Rules of Practice.

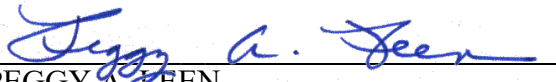
Mr. Young is proceeding in this action *pro se*. He submitted an Application to Proceed In Forma Pauperis (ECF No. 1) and a complaint (ECF No. 1-1) on March 16, 2016. The court issued a Screening Order (ECF No. 2) granting him permission to proceed *in forma pauperis* and screening the complaint pursuant to 28 U.S.C. § 1915(e). The undersigned found that the complaint failed to state a proper jurisdictional basis. Young did not identify any federal or state statute or constitutional provision that would give this court jurisdiction to provide the relief he requested, *i.e.*, resolution of his lifetime supervision. To the extent that he sought to challenge the validity of his state judgment or criminal sentence, the court informed Young that his claim is barred under the Supreme Court's decision in *Heck v. Humphrey*, 512 U.S. 477, 484-87 (1994).

The court dismissed the complaint with leave to file an amended complaint by April 17, 2017. The Screening Order warned him that a failure to file an amended complaint addressing the deficiencies explained by the court would result in a recommendation to the district judge that this case be dismissed. To date, Mr. Young has not filed an amended complaint, requested an extension of time, or taken any other action to prosecute this case.

1 Accordingly,

2 **IT IS RECOMMENDED** that this case be DISMISSED without prejudice and the Clerk
3 of the Court be instructed to close the case and enter judgment accordingly.

4 Dated this 2nd day of May, 2017.

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6 PEGGY A. LEEN
7 UNITED STATES MAGISTRATE JUDGE

8 **NOTICE**

9 This Report of Findings and Recommendation is submitted to the assigned district judge
10 pursuant to 28 U.S.C. § 636(b)(1) and is not immediately appealable to the Court of Appeals for
11 the Ninth Circuit. Any notice of appeal to the Ninth Circuit should not be filed until entry of the
12 district court's judgment. *See* Fed. R. App. P. 4(a)(1). Pursuant to LR IB 3-2(a) of the Local Rules
13 of Practice, any party wishing to object to a magistrate judge's findings and recommendations of
14 shall file and serve *specific written objections*, together with points and authorities in support of
15 those objections, within 14 days of the date of service. *See also* 28 U.S.C. § 636(b)(1); Fed. R.
16 Civ. P. 6, 72. The document should be captioned "Objections to Magistrate Judge's Report of
17 Findings and Recommendation," and it is subject to the page limitations found in LR 7-3(b). The
18 parties are advised that failure to file objections within the specified time may result in the district
19 court's acceptance of this Report of Findings and Recommendation without further review. *United*
20 *States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). In addition, failure to file timely
21 objections to any factual determinations by a magistrate judge may be considered a waiver of a
22 party's right to appellate review of the findings of fact in an order or judgment entered pursuant to
23 the recommendation. *See Martinez v. Ylst*, 951 F.2d 1153, 1156 (9th Cir. 1991); Fed. R. Civ. P.
24 72.
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